


Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____

257/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.02.2024	As per direction of the Worthy Chairman the present appeal is fixed for decision on office objections as well preliminary hearing before touring Single Bench at A.Abad on  REGISTRAR

Respected Sir,

It is submitted that the present appeal was received on 14.12.2023, which was returned to the counsel for the appellant for removing objections (Flag-A). Today i.e. 02.01.2024, the learned counsel re-filed the appeal through registered post without removing the objection.

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

Worthy Chairman

B. [Handwritten signature]

A. [Handwritten signature]
04/01/24
REGISTRAR

The appeal of Mr. Zulqurnain received today i.e on 14.12.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Not removed

Page nos. 12, 13, 18 & 21 of the appeal are illegible which may be replaced by legible/better one.

No. 3878 /S.I.

Dt. 14-12 /2023.

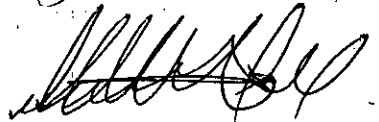


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Arshad Tanoli Adv.
High Court A.Abad.

Sir,

*Objection is pointed
and have removed as
desired*


*M. Arshad Tanoli
Adv S.C*

Date -

22/12/23

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 257 /2023

Zulqurnain Chowkidar, District Food Office, Mansehra.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Food Department
Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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Dated: _____/2023

Through

...APPELLANT

(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

&
(Muhammad Ibrahim Khan)
Advocate High Court

0346-9588883

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 257 /2023

Zulqurnain Chowkidar, District Food Office, Mansehra.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Food Department Peshawar.
2. Director Food Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director Food Hazara Division, Abbottabad.
4. District Food Controller, Mansehra.
5. Assistant Food Controller PRC, Centre Abbottabad Road, Mansehra.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 FOR DECLARATION TO THE EFFECT
THAT THE APPELLANT HAS BEEN REMOVED
FROM SERVICE ON 25/07/2023 ON THE
ALLEGATION OF THEFT OF 40 BAGES 50 PER KG
OF WHEAT FROM GOVERNMENT WHEAT
GODOWN NO.6. THE APPELLANT IS INNOCENT
AND IS NOT INVOLVED IN ANY THEFT, HENCE,
THE IMPUGNED REMOVAL FROM SERVICE**

ORDER DATED 25/07/2023 ISSUED BY
RESPONDENTS' DEPARTMENT IS ILLEGAL,
AGAINST THE LAW, BECAUSE SO-CALLED
ALLEGATION OF THEFT WAS NOT PROVED
AGAINST THE APPELLANT BUT EVEN THEN,
RESPONDENTS' DEPARTMENT WITHOUT
FOLLOWING THE PRESCRIBED PROCEDURE
MENTIONED IN KP E&D RULES 2011, HENCE, THE
IMPUGNED REMOVAL FROM SERVICE ORDER
DATED 25/07/2023 OF THE APPELLANT IS LIABLE
TO BE SET-ASIDE.

PRAYER: ON ACCEPTANT OF THE INSTANT
SERVICE APPEAL THE IMPUGNED REMOVAL
FROM SERVICE ORDER NO.1526-31/ET-2 DATED
25/07/2023 MAY GRACIOUSLY BE ORDERED TO
BE SET-ASIDE AND THE RESPONDENTS MAY BE
DIRECTED TO RE-INSTATE THE APPELLANT IN
SERVICE FROM THE DATE OF HIS REMOVAL
FROM SERVICE WITH ALL SERVICES BACK
BENEFITS. ANY OTHER RELIEF WHICH THIS
HONOURABLE TRIBUNAL DEEM FIT AND
PROPER IN THE CIRCUMSTANCES OF THE CASE
MAY GRACIOUSLY BE GRANTED TO THE
APPELLANT.

Respectfully Sheweth;-

That Facts forming the background of instant service appeal are arrayed as under;-

1. That the appellant was serving as Chowkidar and was posted in Provincial Reserve Centre (PRC) Abbottabad Road Mansehra under the control of respondent No.4.
2. That the appellant was performing his duties with utmost care and diligently. As a result there was no explanation/complaints against the appellant during his period of service, hence, service record is unblemished, neat and clean.
3. That, respondent No.5, paid visit at Provincial Reserved Center (PRC) on 01/04/2023 and obtained signature of the appellant on blank papers with assurances to check attendance for onwards submission to respondent No.4.
4. That on 01/04/2023 (on the same day) respondent No.5 fabricated a report regarding wheat theft of

40 bags from Godown No.6 which was found loaded into Suzuki Vehicle.

5. That the respondent No.5 wrote a confessional statement of theft on the blank papers which were obtained by him from the appellant on the pretext of checking of attendance.
6. That the respondent No.5 reported the fabricated so-called incident of theft to high-ups as a result, respondent No.3 suspended the appellant and also constituted 1st inquiry Committee to probe into the matter. Copy of suspension order dated 01/04/2023 of the appellant and letter No.1028-32 dated 01/04/2023 wherein inquiry committee was constituted are attached as Annexure "A" & "B".
7. That a charge sheet was issued on the day of so-called occurrence but the Inquiry Committee constituted earlier was reconstituted on 14/04/2023. Copies of charge sheet dated 01/04/2023 and reconstitution of inquiry committee letter dated 14/04/2023 are attached as Annexure "C" & "D".

8. That the appellant submitted his statement wherein, he denied the allegation and high lighted the fraud committed by respondent No.5. Copy of statement of the appellant is attached as Annexure "E".
9. That respondent No.3 issued show cause notice dated 12/07/2023 wherein the allegation of theft of 40 bags from Godown No.6 was allegedly loaded in two Suzki Ravi No.CR-5303 and C-5700. Copy of show cause notice dated 12/07/2023 is attached as Annexure "F".
10. That the appellant properly replied the allegations mentioned in the show cause notice vide reply to the appellant dated 17/07/2023. Copy of show cause notice is attached as Annexure "G".
11. That two letters dated 17/07/2023 and 19/07/2023 were issued for personal hearing of the appellant but infact no personal hearing was conducted on both the days.
12. That on 21/07/2023 despite of all submission ignored/kept aside and alleged confessional

statement not recorded by the appellant nor read before him the respondent No.3 imposed major penalty of removal from services. Copy of impugned letter No.1526-31/ET-II DDF dated 25/07/2023 and impugned letter dated 31/07/2023 are attached as Annexure "H".

13. That feeling aggrieved the appellant filed departmental appeal to next higher authority against his removal from service order dated 25/07/2023 which is still pending for decision. Copy of departmental appeal is attached as Annexure "I". Hence, the instant appeal filed inter-alia on the following grounds:-

GROUND:

- a) That, the impugned removal from service order dated 25/07/2023 is malafide, discriminatory, against the law and the same is liable to be set-aside.
- b) That no incident of theft took place from Provincial Reserve Center (PRC) Godown No. 6, it is worth to mention here that on the

day of so-called occurrence respondent No.5 has not taken into his possession two loaded vehicles nor registered FIR against the thieves and the drivers of the a/m vehicles. Therefore, the entire story of theft of wheat from Godown No. 6 is concocted and aim at to give service loss to the appellant.

- c) That stock of wheat in Godown No. 6 was intact and the question of alleged theft by the appellant does not arise.
- d) That inquiry proceeding/report conducted by the department against the appellant has not been provided. It is further submitted that opportunity of cross-examing of respondent No.5 was not provided which is sine Qanoon-go for awarding of any punishment.
- e) That this fact may not be left to fade in oblivion that the allegation of theft of wheat from PRC Wheat Godown has been leveled against the appellant by the respondent No.5 due to his personal grudges against the appellant. As submitted above, the appellant

ever remained dutiful and is law abiding Govt. Official/ Chowkidar. Therefore impugned removal from service/order dated 25/07/2023 of the appellant is liable to be set-aside.

- f) That respondents' department without recording evidence and proving allegations against the appellant removed him from service which is based on hypothesis, surmises, conjectures, whims and wishes of the respondents' department.
- g) That being service matter this Honourable Tribunal has jurisdiction to entertain the lis.
- h) That the instant appeal is filed well within time.
- i) That other points shall be urged at the time of arguments with the permission of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptant of the instant service appeal the impugned removal from

service order No.1526-31/et-2 dated 25/07/2023 may graciously be ordered to be set-aside and the respondents may be directed to re-instate the appellant in service from the date of his removal from service with all services back benefits. Any other relief which this Honourable Tribunal deem fit and proper in the circumstances of the case may graciously be granted to the appellant.

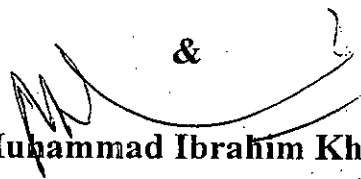
...APPELLANT

Dated: _____/2023

Through


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

&


(Muhammad Ibrahim Khan)
Advocate High Court

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

...APPELLANT

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR**

Service Appeal No. _____/2023

Zulqurnain Chowkidar, District Food Office, Mansehra.

...APPELLANT

VERSUS

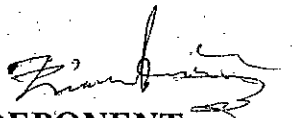
Government of Khyber Pakhtunkhwa through Secretary Food Department
Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Zulqurnain Chowkidar, District Food Office, Mansehra*, do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT

Annex- A

P-11

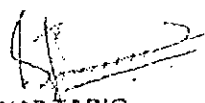
A



Office Of The
Deputy Director Food
Hazara Division Abbottabad
No. 1032-35 Et-02
Dated. 01/04/2023


OFFICE ORDER:

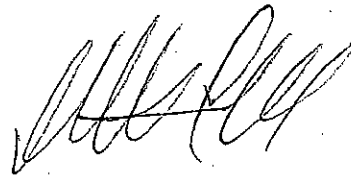
On initiation of inquiry proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, Mr. Umar Saeed (chowkidar) and Mr. Zulqarnain (chowkidar) office of the District Food Controller Mansehra, both are hereby suspended from their duties with immediate effect till further orders.


SHEWAZ TARIQ
DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD

A copy is forwarded to:-

1. Director of Food Khyber Pakhtunkhwa Peshawar for information please.
2. District Food Controller Mansehra for information.
3. Officials concerned.
4. Master file/Et-02


SHEWAZ TARIQ
DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD



Annex- B

3

P-12

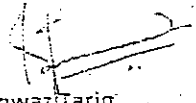


OFFICE OF THE
DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD
Phone & Fax No. 0992-9310296
No. 1028-32 / (ET-02)
Dated:- 01-04-2023

OFFICE ORDER:

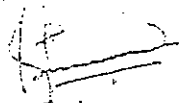
Under section 10 (1) (a) of E&D Rules Khyber Pakhtunkhwa Ibid, an Inquiry Committee has been constituted hereby comprising of, Mr. Shad Muhammad District Food Controller, Abbottabad and Mr. Shokat, Assistant Food Controller PRC Haripur, as inquiry officers in the inquiry of Mr. Zulqarnain Chowkidar & Mr. Umar Saeed Chowkidar, office of the District Food Controller Manshra, charged with the allegations of abandoning the PRC during their duty hours in connection with the government wheat stock theft.

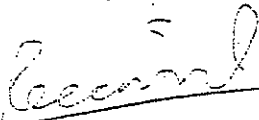
The inquiry committee is required to conduct the inquiry in the light of E&D & Civil Servants Conduct Rules and submit report to the undersigned.
Mr. Zulqarnain Chowkidar and Mr. Umar Saeed Chowkidar office of the District Food Controller Manshra are hereby suspended from duties with immediate effect till further orders.
(Copy of charge sheets enclosed)

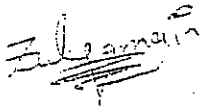

Shehwar Tariq
Deputy Director Food
Hazara Division Abbottabad

Copy is forwarded to:-

1. The Director Food, Khyber Pakhtunkhwa, Peshawar for information please.
2. The District Food Controller, Manshra for information with reference to her official letter No. 576/ET Manshra dated 01/04/2023 and to facilitate the inquiry committee.
3. District Food Controller Abbottabad for information and necessary action.
4. Mr. Shokat AFC PRC Haripur for information and necessary action.
5. Mr. Shokat Zaman Assistant office of the DFC Manshra is nominated as departmental representative to aid the inquiry proceedings.
6. Mr. Zulqarnain and Mr. Umar Chowkidars for information.


Shehwar Tariq
Deputy Director Food
Hazara Division Abbottabad







Annex-C

HAZARA DIVISION ABBOTTABAD

Phone & Fax No. 0992-3310296

No. 1927 (HT-02)

Date: 31-04-2023

CHARGE SHEET

P-13 C

Shahwar Tariq, Deputy Director Food Hazara Division Abbottabad, as competent authority hereby charged you (Zulqarnain, Chowkidar DFC Office Mansehra) as follows:

That you are posted in the office of District Food Controller Mansehra and assigned watch and ward duties (night shift) at PRC Mansehra, as per duty roster, committed the following irregularities:-

The District Food Controller Mansehra vide his letter No. 575 ET-Mansehra dated 01/04/2023, has submitted findings of initial report which transpires as follows:-

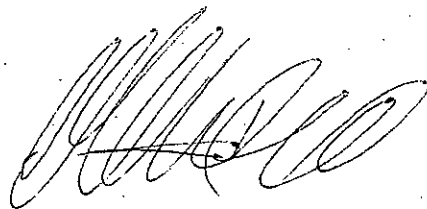
It is reported that on 1st April 2023 about 12:30 A.M. two on duty Chowkidars namely Ulmer Saeed and Zulqarnain were on duty who broke open the locked door of Godown No.06 and took 40 bags/50 KG of government stock of wheat which was loaded in two Suzuki Havi CR 5303 & C 5700 and moved out of PRC premises. The AFC PRC Mansehra conducted chase of the vehicles and intercepted them at Sninkari road. The vehicles were moved back to the PRC premises where these chowkidars were confined & inquired about this act.

Following were the initial findings:-

- The above nominated accused chowkidars were on duty of watch and ward, in PRC Mansehra as per duty roster but they abandoned the PRC on duty hours and drove these vehicles loaded with this stolen wheat themselves.
- The vehicles involved were being driven by the same persons.
- All the stock of theft wheat had been recovered by AFC PRC.
- Statement of confession have been taken from the accused whereby they have confessed their offence.

By reason of the above, you appear to be guilty of inefficiency, misconduct & corruption, under rule-3 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 which rendered you liable to major penalty specified in rule-4 of the said rules. Therefore an inquiry committee is constituted for the purpose of inquiry comprising of Mr. Shad Muhammad District Food Controller Abbottabad and Mr. Shoaib Sultan AFC PRC Haripur as inquiry officers.

- Your written defense, if any, should reach the inquiry officer within the specified period, failing which, it shall be presumed that you have no material in your defense and, in that case, ex-parte action shall be taken against you.
- Please also intimate whether you desire to be heard in person or otherwise.



Shahwar Tariq
Deputy Director Food
Hazara Division Abbottabad

Annex-D

P-14

D

OFFICE OF THE
DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD
No. 1044-52 Dated. 14/04/2023

0992-9310296

M dadfood607@gmail.com


57 Dad Hazara

OFFICE ORDER:-

In continuation of this office letter No.1028-32/ET-02 dated 01/04/2023 and an application submitted by inquiry officer Mr. Shoukat Assistant Food Controller Mansehra.

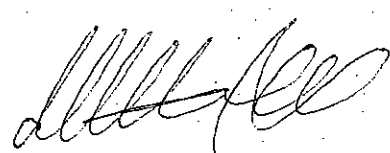
Under section 10(1)(a) of E & D Rules Khyber Pakhtunkhwa an inquiry committee has been reconstituted hereby comprising of Mr. Shad Muhammad District Food Controller Abbottabad and Mr. Muhammad Tariq District Food Controller Battagram as inquiry officers in the inquiry of Mr. Zulqarnain chowkidar & Mr. Umar Saeed chowkidar office of the District Food Controller Mansehra, charged with the allegations of abandoning the PRC during their duty hours in connection with the government wheat stock theft.

The inquiry committee is required to conduct the inquiry in the light of E & D & Civil Servants Conduct Rules and submit report to the undersigned.


Shehwaz Tariq
DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD

copy is forwarded to:-

1. The Director Food Khyber Pakhtunkhwa, Peshawar for information please.
2. The District Food Controller, Mansehra for information with reference to her official letter No.576/ET Mansehra dated 01/04/2023 and to facilitate the inquiry committee.
3. The District Food Controller Abbottabad for information and necessary action.
4. The District Food Controller Battagram for information and necessary action.
5. Mr. Shoukat Zaman Assistant office of the DFC Mansehra is nominated as departmental representative to aid the inquiry proceedings.
6. Mr. Zulqarnain and Mr. Umar Saeed Chowkidar for information.


Shehwaz Tariq
DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD

①

Annex E بیان P-15 E

① ہم دونوں جو کنڈار ڈسٹرکٹ فوڈ کنٹریولر آفیس میں

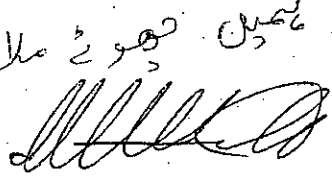
اپنی ڈیوٹی سرانجام دیتے ہیں اور اپنی ڈیوٹی دیکھنے
کا سالوں سے اہمیت سے ادا کر رہے ہیں جس کا ثبوت ہمارا
کا سالوں کا سرورس ریکارڈ ہے جس سے ثابت ہے کہ نہ ہمارے
خلاف بھی کوئی شکایت ہوئی اور نہ ہی کوئی محکمہ کارروائی ہوئی

② ہم دونوں جو کنڈاروں پر چوری کا الزام محکمہ کے (A.F.C)

اسرار احمد خان نے لگایا ہے جو کہ سر اسر غلط ہے اس بابت جو
انگریز صاحب نے پیش کیا ہے وہ سر اسر غلط اور بد نیتی پر
مبنی ہے جو کہ فوڈ A.F.C صاحب یا کسی دوسرے بندے نے انگریز
کے ہمیں اس کا کوئی علم نہیں ہے A.F.C صاحب نے بھی ہمیں
کیا کہ آپ کی ماہری جیل کرنا ہے لہذا سادہ کاغذ پر دستخط کر دیں
جو کہ A.F.C صاحب ہمارے افسر ہیں ہم نے ان کے اعتماد پر دستخط

③ اب ہمیں دستہ علا ہے کہ اس سادہ کاغذ پر جو انگریز A.F.C صاحب
نے لکھی ہے اس پر ہم پر الزام چوری کا الزام لگایا گیا ہے

اور اپنی عداوت کو دیکھنے کے لیے ہمیں سر غلط الزام جو کہ بغیر
ثبوتوں کے اور سازش پر مبنی ہے لگا کر ہمیں چھوٹے ملازمین کو



مقامی عاقل بنا یا جا رہا ہے

④ یہ کہ نہ ہم نے کوئی گندم چوری کی ہے نہ کسی نے چھاپہ
میں برا مہری ہے اور گندم میں گندم کا نشان برابر موجود ہے

5) گودام کی چابیاں ~~جو~~ پیڑ چوکیوں پر رکھی جاسکتی ہیں۔ اسی پیڑ گندم چوری کا سوال ہے۔ اس سے یہ بھی ثابت ہو جائے کہ

6) ہمیں پتا چلا ہے کہ لچو سازشی عناصر نے حکمہ کی ملی جھگڑ سے وڈیوز (lectios) بنا کر اعلیٰ افسران کو دی ہیں۔ جبکہ ان وڈیوز سے ہمارا پانڈم گودام کوئی تعلق نہیں اور نہ ہی کوئی ثبوت ہے۔ بلکہ یہ وڈیوز کسی دور دور کی بنی ہوئی ہیں۔ اور دور دور درستی میں ہیں جس سے ہمارا کوئی تعلق واسطہ نہیں اور غلط وڈیوز ایک سازشی حرکت بنا کر ہمیں ہنسایا جا رہا ہے۔

7) جو (Videos) میں گاڑیاں دکھائی دے رہی ہیں ان سے رابطہ کرنے سے ان سے رابطہ کرنے سے ~~موجود~~ موجود ہیں۔ ان سے رابطہ کرنے سے ~~موجود~~ موجود ہیں۔ ان سے رابطہ کرنے سے ~~موجود~~ موجود ہیں۔

8) یہ سب ڈرافٹ سازشی حرکت خود حکمہ کہ افسران جو کہ سیاہ و سفید کہ مالک ہیں انہوں نے خود سے بنا لیے اور A.F.C صاحب کہ لکڑیہ کردہ واقعات کے بارے میں ہمیں کچھ پتا نہیں ہے۔ دھوکہ دہی کے ذریعے

9) اس لکڑیہ کو بنیاد بنا کر اور ہمیں ڈرا دھکا دھکا کر A.F.C صاحب نے حکمہ کی باقی افسران کی ملی جھگڑ سے اپنے آپ کو بھانپ کرنا کیلئے دنیا بھر کے بیانات جو کہ A.F.C صاحب نے خود ہمیں بنائے تھے لپٹے ہیں اور یہ سب کچھ جو D.F.C صاحب نے آئینہ میں ہوا ہے اور ہم سے

جو بیانات لپٹے وہ حکمہ کے افسران، دنیا بھر کے اور ڈرا دھکا کر رہے ہیں جو کہ حقائق سے منافی ہیں۔ اور حکمہ کہ افسران جو کہ سیاہ و سفید کہ مالک ہیں۔ اپنی کرپشن چھپانے کیلئے ہمیں قربانی کا بلکہ بنا رہے ہیں

لکڑیہ حقائق کی بنیاد پر اسے چاکر رہے ہیں۔

یہ چھوٹے طبقے کہ چھوٹے ملازم ہیں، درخواست کرتے ہیں کہ
ہمارے خلاف معائنہ کے خلاف بنا کر رپورٹ کر کے
پہنچیں سرے آسکا جائے۔

محکمہ لوہار کی رپورٹ
الٹا رکھی

ڈو الٹرنٹس جو کبھی ڈائریکٹ فوری طور پر سے مائل ہے

مستند
مستند

Handwritten signature



Annex- F

OFFICE OF THE
DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD

No. 1481-84/ET⁰² Dated. 12/07/2023

0992-9310296

M dadfood607@gmail.com

DadfHazara

P-18

SHOW CAUSE NOTICE

I, Shewaz Tariq Deputy Director Food Hazara Division Abbottabad, as competent authority under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011, have charged you, Mr. Zulqarnain, Chowkidar, office of the District Food Controller Mansehra with reference to District Food Controller Mansehra report vide letter No. 576/ET Mansehra dated 01-04-2023. The following charges has been leveled against you:-

1. It is reported that on 1st April 2023 about 12:30A.M, two on duty chowkidars namely Mr. Umer Saeed and Mr. Zulqarnain were on duty who broke / open the locked door of Godown No.06 and took 40bags of 50 KG each of Government stock of Wheat which was loaded in two Suzuki Ravi CR-5303 & C-5700 and moved out of PRC premises. The AFC PRC Mansehra conducted chase of the vehicles and intercepted them at Shinkari road. The vehicles were moved back to PRC premises where these chowkidars were confined & inquired about this act. Following were the initial findings.
 - a. The above nominated accused chowkidars were on duty of watch and ward in PRC Mansehra as per duty roster but they absconded the PRC on duty hours and drove these vehicles loaded with this stolen wheat themselves.
 - b. The vehicles involved were being driven by the same persons.
 - c. All the stock of theft wheat had been recovered by AFC PRC.
 - d. Statement of confession has been taken from the accused whereby they have confessed their offence.
2. To ascertain the charges, an inquiry was ordered vide this Office Letter No.1028-32/ET-02 dated 01-04-2023 & No.1046-52 dated 14-04-2023.
3. That consequent upon completion of inquiry I, Shewaz Tariq Deputy Director Food, Hazara Division Abbottabad as competent authority, have decided on the basis of the recommendation of inquiry report submitted vide letter No.1542 dated 12-07-2023, to impose major penalty "Removal From Service" under E&D Rules 2011, 4(1)(b)(iii) upon you Mr. Zulqarnain (Chowkidar) office of the District Food Controller Mansehra.
4. You are, therefore required through this show cause notice to explain as to why the aforesaid penalty should not be imposed upon you and also intimate to this office whether you desire to be heard in person or not.
5. If, no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD

Copy is forwarded to the:-

1. Director Food, Khyber Pakhtunkhwa, Peshawar for information please.
2. District Food Controller Mansehra for information and necessary action with reference to her above cited letter No.576/ET Mansehra and directed to serve this show cause notice to Mr. Zulqarnain chowkidar of DFC office Mansehra.
3. Mr Zulqarnain (Chowkidar) DFC office Mansehra.
4. Personal file/ office record.

طلب کیا گیا ہے اور اس سلسلہ میں میرا جواب پیراوا نذر درج ذیل ہے۔

1- یہ کہ پیرا گراف نمبر 1 شوکا زونٹس میں جو الزامات درج ہیں وہ حالہ تباہی پر مبنی ہیں جس کا کوئی ثبوت نہیں ہے۔ 100 فیصد غلط ہے کیونکہ اسرار خان AFC نے نہ تو کوئی گاڑی پکڑی اور نہ ہی گندم چوری کی گئی ہے۔ مزید یہ کہ اگر AFC اسرار خان نے چوری گندم مع گاڑیاں پکڑی ہیں تو ضابطہ قانون کے مطابق ان گاڑیوں کو حوالہ پولیس کیوں نہیں کیا گیا اور FIR گندم چوری کیوں نہیں درج کروائی گئی جس سے ثابت ہوتا ہے کہ یہ سب من گھڑت کہانی ہے اور اپنی کرپشن چھپانے کی خاطر ہم چھوٹے ملازمین پر الزامات لگائے گئے ہیں۔

a- یہ ہماری کہانی من گھڑت اور بے بنیاد ہے جو کہ AFC نے بدینتی پر ہمارے خلاف بنائی ہے جو کہ سر اسرار جھوٹ ہے۔ کیونکہ ہم اپنی ڈیوٹی پر موجود تھے اور نہ ہی ان الزامات کا کوئی واضح ثبوت یا گواہ ہے۔ بغیر کسی ثبوت اور گواہی کے ہمارے خلاف غلط الزامات لگا کر ہماری نوکری خراب کرنے کے درپے ہونے کا واضح ثبوت ہے جو کہ بدینتی ہے۔

علامہ ازیں اسرار خان AFC کو بلا کر قرآن مجید پر ہاتھ رکھوا کر حلف لیا جائے کہ جو کچھ الزامات لگائے ہیں وہ درست ہیں اور اس نے گاڑیاں شکستہ ری روڈ ماٹسہرہ پر پکڑی ہیں اور کیا ہم ڈرایو کر رہے تھے اس لیے آپ سے درخواست ہے کہ اسرار خان AFC سے حلف لیا جائے تاکہ ہمیں انصاف مل سکے۔

b- یہ سر اسرار جھوٹ ہے میں نے گندم چوری نہیں کی مزید یہ کہ گاڑیوں کے رجسٹریشن نمبر آپ کے پاس موجود ہیں۔ ان کو شامل تفتیش کر کے الزامات کا جائزہ لیا جائے تاکہ ہمیں انصاف مل سکے۔

c- یہ سر اسرار جھوٹ اور بے بنیاد الزام ہیں کہ AFC نے Stock رکھو دیا ہے جس کا نہ تو کوئی ثبوت ہے اور نہ ہی کوئی گواہ ہے صرف اسرار خان AFC اپنی کرپشن چھپانے کی خاطر مجھ پر جھوٹا الزام لگایا ہے۔

d- الزامات جھوٹ پر مبنی ہیں کیونکہ ہم نے اپنی ہر بات چارج شیٹ کے جواب میں تفصیلاً بتائی ہے جس میں کوئی کنفیوژن نہیں ہے اور مجھے صرف جھوٹے الزام میں قربانی کا ٹکڑا بنایا جا رہا ہے اور یہ سب کچھ AFC اپنی کارستانیوں و کرپشن چھپانے کی خاطر کر رہے ہیں۔

2- یہ جو انکوائری رپورٹ ہے مکمل طور پر جانبدارانہ ہے اور انصاف کے تقاضوں کو ملحوظ خاطر نہیں رکھا ہے اور بغیر کسی ثبوت و گواہی کے AFC کی مرضی کے مطابق ہمارے خلاف یکطرفہ ہے اور انکوائری آفیسرز کا اپنے جینی بند Colleagues کی کرپشن چھپانا ہے۔

3- یہ کہ انکوائری آفیسرز نے میرے خلاف رپورٹ جانبدارانہ و یکطرفہ بنی ہے اور میرے جواب کو مکمل طور پر نظر انداز کیا ہے کیونکہ جو الزامات مجھ پر ہے وہ بغیر کسی ثبوت کے ہیں اور بدینتی پر مبنی ہیں جو خلاف قانون ہیں اور میں Competent Authority سے مطالبہ کرتا ہوں کہ انکوائری کو دوبارہ کسی غیر جانبدار و ایماندار آفیسر کے ذریعے کروائی جائے تاکہ ہمیں انصاف مل سکے۔

4- یہ کہ میں نے اپنا جواب چارج شیٹ انکوائری آفیسر کو دیا تھا اور اس میں من گھڑت الزامات کا مکمل اور تفصیلاً جواب ہے۔

(جس کی کاپی لف ہے)

اس طرح بغیر ثبوت اور گواہان کے انکوائری رپورٹ میرے خلاف لکھنا غیر اخلاقی، غیر قانونی و غیر شرعی

پہلا ابنِ حسرت امواتی بوجہ بیعت کے میرے خلاف لکھنا باعثِ ستون ہے اور انصاف کے تقاضوں کے برخلاف ہے۔

P-20

د۔ نوٹس اختیار و جو عدالت تاریخ 12-07-2023 جو کہ ہمیں 13-07-2023 کو موصول ہوا ہے اس کا جواب آج مورخہ 17-07-2023 اندر سات یوم دفتر ہذا ڈپٹی ڈائریکٹر نوڈ ہزارہ ڈویژن کو دے دیا ہے۔

علاوہ ازیں مندرجہ بالا حقائق کی روشنی میں جناب سے درخواست ہے کہ ہمیں زبانی سننے کا بھی موقع دیا جائے اور جانبدارانہ اکتوائزی کو ختم کر کے نئے سرے سے اکتوائزی کرائی جائے یا تو اکتوائزی والی ترمیمات کو ختم کر کے مجھے انصاف دیا جائے۔ جس کے لیے میں آپ جناب کے لیے تاعمر دعا گوہ رہوں گا۔

عین توازش ہوگی

المرقوم: 17 جولائی 2023ء
ارضی

ذوالقرنین چوکیدار DFC آفس مانسہرہ

0349-5149032

13503-8819006-1

سکونڈ ڈپٹی ڈائریکٹر
چوکیدار

وصول کنندہ ناظم

لمبن علی

D-No-324

17-07-2023



Annex- 11

DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD
No. 1523-31/ET-02 DDF
Dated. 25/07/2023

H

0992-9310296

M dadfood607@gmail.com

DadfHazara

OFFICE ORDER

A 21

Whereas. The District Food Controller, Mansehra forwarded letter No.576/ET,Mansehra dated 01-04-2023, that Mr. Israr Khan, AFC PRC Mansehra reported on 01-04-2023 that on 1st April 2023 about 12:30 AM, two Chowkidars namely Mr.Umar Saeed & Mr. Zulqarnain on duty of watch and ward in PRC Mansehra as per duty roaster, who broke open the locked door of the Godown No.06 and took 40 bags (each 50 kg) of government wheat stock which was loaded in two suzuki ravi registration no.CR 5303 & C 5700. They abandon the PRC on duty hours and vehicles loaded with stolen wheat moved out from PRC premises. The AFC PRC conducted chase of vehicles and intercepted them at shinkari road and moved back to PRC premises. The vehicles involved loaded with stolen wheat were being driven by the same persons (accused). The vehicles were returned back to PRC, Mansehra and unloaded in godown, where these Chowkidars were inquired about this act. The Statement of accused chowkidars were recorded whereby, they have confessed their offence.

To ascertain the charges proper formal inquiry was conducted vide this office letter No1028-32/ET-02 dated 01-04-2023 & No.1046-52 dated 14-04-2023. The inquiry committee in its report submitted that charges leveled against the both accused have been proved and they found guilty of offence and recommended to be awarded major penalty of "Removal from Service" under the Government Servant E&D Rules.

And whereas, the accused (Mr. Zulqarnain Chowkidar) was served with showcase notice vide this office letter No.1481-84/ET-02 dated 12-07-2023, with the direction to submit reply to the show cause notice within seven (07) days. The accused submitted reply of the show cause notice on 17-07-2023 and called for personal hearing on 21-07-2023 vide letter No. 1506-08/ET-02 dated 19-07-2023, during the personal hearing accused failed to put his position against the charges leveled and finding/recommendation by the inquiry committee in its report.

Now Therefore, I, Shewaz Tariq, Deputy Director Food, Hazara Division Abbottabad, in exercise of the powers conferred upon me under the Khyber Pakhtunkhwa, Government Servant E&D, Rules 2011, of Rules 4(D)(b)(iii), hereby impose upon the accused Mr. Umar Saeed Chowkidar, office of the District Food Controller Mansehra, the major penalty of "Removal from service" with immediate effect.

DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD

Endorsement No & Date Even

Copy is forwarded to:

1. The Director Food, Khyber Pakhtunkhwa, Peshawar for information please.
2. The District Accounts Officer, Mansehra.
3. The District Food Controller, Mansehra for necessary action.
4. The District Food Controller Abbottabad & Battagram for information w/r to inquiry report vide No 1542/ dated 12-07-2023.
- ✓ 5. Mr. Zulqarnain Ex-chowkidar.
6. Office file/ personal file.

DEPUTY DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD

Annex-I I

BEFORE DIRECTOR FOOD, KHYBER PAKHUTNKHWA.

PESHAWAR.

P-29

SUBJECT: APPEAL UNDER RULE 17 OF KP GOVT SERVANT E & D
RULES 2011.

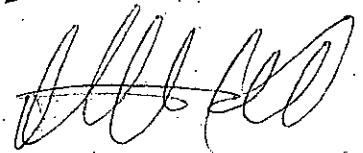
Hon'able sir,

With due respect it is submitted as follows: -

Facts of case

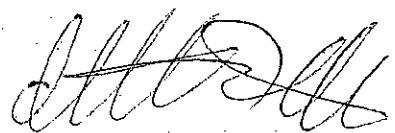
- 1) I was posted as Chowkidar (duty of watch and ward) in DFC & Provincial Reserve Centre (PRC) Abbottabad Road, Mansehra. I have an unblemished record of 06 years of regular service and performed duty obediently & faithfully to the satisfaction of my seniors.
- 2) On 01.04.2023, Mr. Israr Khan, AFC, PRC, Mansehra came in his office in the morning, called me and other Chowkidar Mr. Umer Saeed, got signatures on separate blank papers with assurance to check attendance and report to the DFC, Mansehra. On the same day, the AFC fabricated a report of wheat theft from Food Goodown No. 06 allegedly happened at midnight, intercepted 02 loaded vehicles of wheat on an unusual visit at the same night, brought back the vehicles and

Recd.
17-08-2023



unloaded the goods in the godown and blamed both of us in the whole matter. He prepared a report for DFC who forwarded the concocted facts to your good office on the same day. On the same day also the Deputy Director Food, Abbottabad suspended me & issued a charge sheet, constituted first Inquiry Committee which was an unprecedented action.

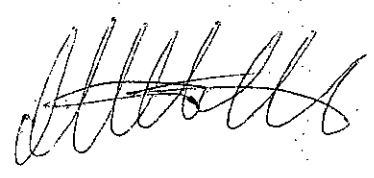
- 3) In the charge sheet, prior to report of 1st inquiry committee and constitution of 2nd inquiry committee, the competent authority observed "you appear to be guilty of inefficiency, misconduct & corruption, under rule 3 of KP Govt Servants E & D Rules, 2011 which rendered you liable to major penalty specified in rule 4 of the 'bid rules" that showed how the proceedings were initiated and virtually finalized on the same day in an arbitrary manner.
- 4) I have filed a written statement of defense on 18.04.2023 before first inquiry committee, submitted reply to the show-cause notice issued by the Deputy Director Food, Abbottabad, the competent authority, within time provided in law and ensure personal hearing on 21.07.2023 but all my submissions were deliberately ignored and kept aside. The alleged statement of confession of crime was not recorded by me nor that was read before me.
- 5) The competent authority, Deputy Director food, Abbottabad, imposed me major penalty of "Removal from service" under Rule 4(1)(b)(iii) of KP Govt Servants E &



D Rules, 2011 vide order No.1526-31/ET-02 DDF dated 25.07.2023, although he repeated the facts "words by words" which were earlier confronted in the charge sheet.

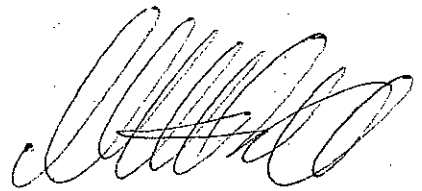
GROUNDS OF APPEAL

1. The learned Deputy Director Food, Abbottabad has imposed upon the appellant major penalty of "removal from service" without considering the facts that rules of inquiry given in E & D Rules, 2011 were not followed and the competent authority had made his mind to give me severe punishment at initial state of issuing charge sheet before report of inquiry committee.
2. The learned Deputy Director Food, Abbottabad has acted arbitrarily and unilaterally despite the facts that sufficient grounds to initiate proceedings were non-existent, enquiry was conducted without examination of oral or documentary evidence and statement of alleged confession of crime was denied by the appellant.
3. The learned Deputy Director Food, Abbottabad has erred in law to inquire facts that AFC Mansehra made a fabricated story about an event statedly happened at 12.30AM (midnight) of 01.04.2023, let the two vehicles free with the persons driving them on the same night, forensic report about 'broken



the locked door of godown was not obtained when the keys were in the control of Chief Chowkidar and no evidence was brought on record in support of any allegation.

4. The learned Deputy Director Food, Abbottabad has erred in law to approve guilty of offence when stock of wheat in godowns was fully stored and no loss of revenue was established or pointed out in inquiry report.
5. The learned Deputy Director Food has erred in law to uphold the inquiry report when lacunas in enquiry proceedings due to non-recording of evidence was established, the appellant was not afforded right of cross examination, inquiry committee did not observe the principle of natural justice and due process of law and material error and defects in inquiry report adversely affected the proceedings and caused serious injustice to the appellant.
6. The appellant begs leave to add, amend or alter afore stated grounds of appeal at the time of hearing and also begs for right of hearing before your good self.



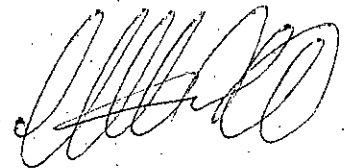
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Prayer

It is respectfully prayed that all the allegations leading to issuance of charge sheet, predestined inquiry report and order to 'removal from service' may graciously set aside and annulled and reinstate the services of the appellant in the light of following reported judgments of Supreme Court of Pakistan: -

- a) 2023 SCMR 603 -Federation of Pakistan vs Zahid Malik
- b) 2022 SCMR 1387- Schail Ahmed vs Govt of Pakistan
- c) 2022 SCMR 1583 -Inspector General of Police, Quetta vs. Fida Muhammad etc
- d) 1997 SCMR 343 - Deputy Director Food vs Akhtar Ali Food Grain Inspector
- e) 1997 SCMR 1073 - Secretary to Govt of NWFP vs Saif ur Rehman
- f) 2010 PLC (C.S) 659 - M. Zaheer Khan vs Govt of Pakistan

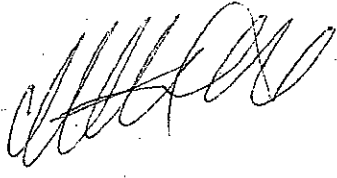
Annexures



1. Copy of Deputy Director Food, Hazara Division, Abbottabad letter No. 1028-32 along with charge sheet dated 01.04.2023.
2. Copy of written statement filed before the competent authority on 03.04.2023.

P-27

3. Copy of show-cause notice No. 1481-34/ET-02 dated 12.07.2023 issued by the competent authority.
4. Copy of written reply submitted before the competent authority on 17.07.2023.
5. Copy of judgment in case of Federation of Pakistan through Chairman FBR, Islamabad vs Zahid Malik reported as 2023 SCMR 603.
6. Copy of CNIC.



APPEALANT

Zulqarnain

[Zulqarnain]

Mohalla Lohar Banda, Mansehra
CNIC: 1350388190061
Cell: 03495149032

17-8-2023

کورٹ فیس

وکالت نامہ 28-P

بعدالت Betor Re Service Tribunal for Person

عنوان: Court Applicant نام Zulqarnain

مخائب: Applicant

نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

M. Ashraf Danish & M. Ibrahim Khan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بہر اد

استحارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

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